THE HON'BLE MR JUSTICE V.ESWARAIAH

-

WRIT PETITION NO : 25340 of 2005

-

Dated:29.11.2005

Between:

Vemuri Venkata Subba Rao S/o. Venkateswarlu
Maddipadu Mandal, Prakasam District,

..... PETITIONER

AND

The District Collector, Prakasam District, Ongole, and others.

.....RESPONDENTS

ORDER:-

This writ petition is filed to declare the proceedings, dated 09.11.2005, issued by the 1st respondent, as illegal, arbitrary and contrary to provisions of Essential Commodities Act.

The petitioner is a fair price shop dealer of Kolachanakota Village of Maddipadu Mandal, Prakasam District. It is stated that certain irregularities said to have been committed by the petitioner and after giving show cause notice, the dealership of the petitioner was called by the Revenue Divisional Officer, Ongole, vide proceedings, dated 05.05.2005. Against the said order, the

petitioner filed appeal before the Joint Collector, Prakasam District. It appears that the 4th respondent also filed a caveat before the Joint Collector opposing the appeal filed by the petitioner. After hearing the 4th respondent as well as the petitioner, the Joint Collector by an order, dated 30.09.2005, allowed the appeal on the ground that the allegations levelled against the petitioner are not so serious in nature. Against the said order, the 4th respondent filed a revision before the District Collector and the District Collector, without hearing the petitioner, passed an ex parte order granting stay of the operation of the Joint Collector, pending disposal of the revision. This Court has already set aside similar ex parte orders passed by the District Collector.

Having regard to the facts and circumstances of the case and when the petitioner succeeded before the appellate authority, I am of the opinion that the revisional authority ought to have given an opportunity of being heard even before passing the ex pate order, more so, when the petitioner is carrying on business for the last 25 years and the irregularities are not so serious warranting to prevent the petitioner from continuing his business.

For the aforesaid reasons, the writ petition is disposed of and the impugned order, dated 09.11.2005, of the District Collector is set aside. However, it is directed that the revisional authority may hear the main revision after giving reasonable opportunity to the petitioner as well as the 4th respondent and pass appropriate orders in accordance with law. No costs.

_____

29.11.2005

Note:- Issue CC in two days.

B/o.

ES